

REMARKS

In the Office Action dated January 7, 2008, claims 83-108 were considered. The Action rejected claims 83-108 under 35 U.S.C. § 112, first paragraph, and under 35 U.S.C. § 103(a). In the present Amendment, claims 83-84, 92-97, and 101-102 have been amended. Claims 83-108 are pending.

Rejection Under 35 U.S.C. § 112 First Paragraph

The Office Action rejected claims 83-108 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that Applicants' supporting disclosure lacks a showing of possession of (1) ranges of amounts of blown vegetable oils used and (2) ranges of amounts for the respective A-side and B-side component parts (Office Action, pp. 2-3).

Applicants respectfully contend that the application discloses (1) ranges of amounts of blown vegetable oils used and (2) ranges of amounts for the respective A-side and B-side component parts. Specifically, with respect to ranges of amounts of blown vegetable oils used, support for Claim 83 ("at least 70%" blown vegetable oil) is found at least in Example 5 and support for Claim 101 ("from 52 to 96%" blown vegetable oil) is found at least in Examples 6, 15 and 17. With respect to ranges of amounts for the respective A-side and B-side component parts, support for Claim 85 is found at least in Example 5, and support for the ratio range of A-side to B-side being at least 31 parts A-side to 100 parts B-side can be found in at least Example 8 (Claim 84).

Accordingly, Applicants respectfully contend that the rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 83-108 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Croft U.S. Patent No. 5,688,860 in view of Grant et al., "Chemical Dictionary" (Office Action, p. 3). More specifically, the Office Action states "Croft's disclosure sets forth materials and reactants as well as intermediates employed in the making of its products such that it is seen that esterification to the degree defined by the claims is met by Croft's disclosure (Office Action, p. 3). As Applicants understand this rejection, the Office Action appears to assert employing

Croft's materials, reactants, and intermediates would inherently result in Applicants' B-side product. As Applicants understand this statement, the examiner is asserting that by mixing the components disclosed in the reference a transesterified product as claimed would necessarily result. If Applicants' understanding is not correct, Applicants request that the examiner provide greater detail regarding where Croft discloses the claimed elements and regarding how the reference is being applied to the claims. (See 37 C.F.R. 1.104(c)(2)).

Regardless, regarding the presently pending claims, Applicants respectfully submit that Croft does not disclose (expressly or inherently) or suggest the presently pending claimed inventions. In particular, Applicants' claims recite either that the transesterified polyol is produced using a transesterification catalyst or heat up to about 230° F. In most instances, transesterification of molecules of comparable type or class to the presently claimed blown oils occurs at significantly higher temperatures than the presently claimed temperatures. Moreover, Croft does not disclose the use of a transesterification catalyst. The only disclosure of catalysts in Croft that Applicants have been able to identify includes catalysts for catalyzing the urethane reaction (when the A-side and B-side are combined). As such, Applicants respectfully submit that, contrary to the examiner's assertions, Croft does not disclose transesterification "to the degree defined by the claims."

Additionally, Applicants have amended dependent claim 84 (and claim 85 that depends from claim 84) to require that the B-side comprises a transesterified polyol in an amount of at least 27.5% (support for this limitation may be found at least in Example 54).

Accordingly, Applicants request that the Section 103 rejection be withdrawn and claims 83-108 be allowed.

Applicants : Thomas M. Kurth et al.
Appln. No. : 09/944,212
Page : 9

Conclusion


Applicants respectfully request entry of this Amendment and Response, withdrawal of all bases for rejection, and allowance of claims 83-108 in due course. In the event there are any remaining formalities or other issues needing Applicants' assistance, Applicants request the Examiner to call the undersigned attorney at (616) 949-9610.

Respectfully submitted,

THOMAS A. KURTH ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

July 7, 2008
Date


Todd A. Van Thomme
Registration No. 44 285
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

TAV/alw